

Daniel Ellsberg at FFF Conference, Part 2 of 8

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Daniel Ellsberg on "Iran and Iraq: The Need for Pentagon Papers" at the Future of Freedom Foundation's <http://fff.org> Restoring the Republic, 2007.

Daniel Ellsberg was born in Detroit in 1931. After graduating from Harvard in 1952 with a B. A. summa cum laude in Economics, he studied for a year at King's College, Cambridge University, on a Woodrow Wilson Fellowship.

Playlist of Ellsberg's lecture: http://www.youtube.com/view_play_list?p=5FFB8C4C61A02CF6

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going back to dashiell who the Senate election after he'd been called virtually as having given aid and comfort to the enemy that's the narrow narrow definition in the Constitution and there's a reason why it's that so narrow by the way the reason is that this country was founded by traitors every one of them a loyal subject of King George the third in 1774 and a traitor in 75 and 76 when Benjamin Franklin said we hang together or we hang separately he wasn't just using a metaphor at that point but these are people who found in themselves a loyalty to a different concept of government and a different form of government which until recently at least we have enjoyed ever since to some for in some form one of the most striking comments that I've heard in this conference was by Ralph Rico the other day who said it's amazing how each new president makes you nostalgic for the last one and I was asking about that today and he went further he said he said who would have ever dreamed that we would be back with fondness on Janet Reno and what am i hearing I I didn't want to be asked to feel fondness for january and then he said I said you're really testing me on that one and he said Waco he said well Ashcroft Gonzales hmmm got a point there guess I'll have to reevaluate generate a question does arise when did this rock set in this

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arise when did this rock set in this steady erosion it seems like so we've heard different candidates and that here now Franklin Roosevelt Woodrow Wilson just this morning thinkin and of course my friend Karen quite kotsky she here with Karen here oh right like way back was really going to the roots which is sort of radical does when she went back to the time before presidents to the Articles of Confederation and the fall she measures the fall from rejecting the Articles of Confederation well I don't know about that actually but I'm still grieving over the Constitution which she regarded as as part of the fall the as a matter of fact hell I'm de Stael check for the Magna Carta hey habeas corpus I read this president is not content with reversing the gains since 1775 he's going back to act habeas corpus writing out six seven hundred years of civil liberties well the Bill of Rights there has been progress since the Magna Carta I would say the Bill of Rights remember that the Good Old Fourth Amendment which I suppose I couldn't have defined which one is the Fourth Amendment till reading in the paper how we'd lost it basically that's when you come to appreciate something when warrantless surveillance the federal judge in Detroit defines that in a judgment which is now on appeal on certain effects defines what the president has been doing since sep tember 2001 that's almost six years as illegal under the FISA act under the

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illegal under the FISA act under the federal inspector Foreign Intelligence Surveillance Act and unconstitutional under the Fourth Amendment unreasonable search and seizure or and it's still going on under the Democrats supposedly an opposition party who swore they would make hearings on this there is not unless I missed something been an open or closed hearing on what NSA is doing to listen to as far as we know everyone the president says the one the program he wants to talk about and the only people he will the only thing he will let his subordinates testify about Gonzalez another is a program that targets only terrorists international calls one of them being in the United States to be sure but one of them being outside and one of them are known or suspected terrorists what is revealed in frontline investigation the television program a few weeks ago which was very good what you could still see on the web that's untrue now even from the beginning one could take that with a grain of salt from this particular president and indeed when Leahy in the Judiciary Committee asked Gonzalez well under your understanding of the constitutional law does the president have the right to open letters and Gonzalez said not under the program i am testifying about & Leahy said well are there other two other other programs under which this might fall and Gonzalez said I am here only to testify about this program the one I've chosen to tell you about and apparently lying about that if he knows maybe he doesn't know but the television programs investigators were able to find out yes they are overhearing conversations that are wholly within the United States and suspicion turns out to

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United States and suspicion turns out to be an interesting concept it is evolved into something new under this administration openly the idea the Fourth Amendment is no warrants shall be issued without probable cause by the way Gonzales read that clause and says actually there's no guarantee of warrant in the Constitution it doesn't say that it just says no warrants shall be issued and you can't search so in his what what Justice Ginsburg might call a cramped reading he wasn't sure that the Constitution did ish or a role for the judiciary ends in surveillance but anyway it's been going on Gonzalez has refused to talk about it until this day and that's a little familiar to me because it arose in the last week's of my trial I was in court I was under indictment for two years but the final and in trial almost twice but the last four and a half months in court in the last couple weeks of that I learned that I had been subject to warrantless wiretaps and what made that specially interesting was not just that they were warned less because in those days it wasn't as clear cut as it came to be later by the Supreme Court and by the fisa that that was illegal it was a questionable area but because the FBI had been so had frequently in the court testified to the judge that I had not been overheard at all not just once but several times and suddenly turned out I had been overheard so they under warrantless wiretap of an NSC aid by the way Mort halperin with the tap continuing long after he left the NSC so and with no suspicion of disloyalty to

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and with no suspicion of disloyalty to the country on his part but the possibility it was critical of his boss Henry Kissinger they didn't even find that on the tab I think they talked to him I think it could have discovered that but the FBI was worried enough that this might be considered unconstitutional that they demanded that it be authorized by the president through Henry Kissinger and then the records were kept out of the FBI records so in my justice where my judge asked ok let's see the records and see with a tainted the trial or not the then acting director of FBI the former one having just been at gray had had to withdraw his nomination because of obstruction of justice committed in connection with me among other thing so rekkles house who had now discovered this wire tapped and said we can't find the records there are no records and this was the proximate cause immediate cause of the judge asking us if we wanted to rule for dismissal at this point this we've been having revelations like that for two weeks one a day and that was kind of the straw that broke the back it turned out that the records were in the White House they had been stolen from j edgar Hoover's private safe where he was using them as a lever against the White House all the illegal actions he did for the White House to stay in office they've been stolen from his safe by Sullivan his number two man and given to the White House to Ehrlichman in the white house so that Hoover could not use those records to blackmail Nixon into keeping him on and this but anyway that was not discovered till the day after my trial was ended and in fact the day my trial into that day the headline in the LA Times was John Mitchell indicted he was

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Times was John Mitchell indicted he was the one who had indicted me initially and then I'd also like he was indicted for crime then climb Dean's that had to had had to cop a plea

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